

Posted – June 1, 2011

REGULAR MEETING JUNE 6, 2011

TOWN COUNCIL OF THE TOWN OF MIDDLETOWN, RHODE ISLAND

The following items of business, having been filed with the Town Clerk under the Rules of the Council, will come before the Council at a regular meeting to be held on Monday, June 6, 2011 at 7:00 P.M. (BUDGET ADOPTION 6:00 PM - EXECUTIVE SESSION IMMEDIATELY FOLLOWING) at the Middletown Town Hall, 350 East Main Road, Middletown, Rhode Island.

Any person not a member of the Council, desiring to address the Council concerning a matter on the docket of the Council, not the subject of a Public Hearing, shall submit a written request to the Town Clerk stating the matter upon which he desires to speak. Persons are permitted to address the Council for a period not to exceed five (5) minutes.

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of

order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

BUDGET ADOPTION

1. An Ordinance of the Town of Middletown

An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenues of the General Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.

2. Resolution of the Council, re: Tax Levy Resolution.

3. An Ordinance of the Town of Middletown

An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenues of the Parks and Recreation Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.

4. An Ordinance of the Town of Middletown

An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenues of the Sewer Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.

5. An Ordinance of the Town of Middletown

An Ordinance in amendment to the ordinances of the Town of Middletown entitled “Appropriating Revenue of the Refuse and Recycling Fund for the Fiscal Year July 1, 2011 to June 30, 2012, as amended”.

EXECUTIVE SESSION

6. Pursuant to provisions of RIGL, Sections 42-46-2., 42-46-4., and 42-46-5. (a) (5) land acquisition (West Main Road), (5) land acquisition (Wave Avenue), (5) land acquisition (Hoogendoorn Property), (5) lease (JFK School) and (2) collective bargaining (Police, Fire, Public Works and Town Hall Unions).

PUBLIC FORUM SESSION

7. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting.

PRESENTATION

8. Continued from Special Meeting, May 23, 2011

Resolution of the Council, re: Commendation for Michael F. Crowley.

ACTING AS A BOARD OF LICENSE COMMISSION

9. Petition of Olin D. Gambrell, President and Beverly J. Travis, Secretary, All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on July 16, 2011, Annual Steak Fry fundraiser.

10. Petition of Olin D. Gambrell, President and Beverly J. Travis, Secretary, All-Vets Club, 985 Aquidneck Avenue, re: Request for expansion of Class D Alcoholic Beverage License to provide outdoor service on August 27, 2011, Annual Clam-Boil fundraiser.

CONSENT

11. Approval of Minutes, re: Special Meeting, May 4, 2011.

12. Approval of Minutes, re: Special Meeting, May 9, 2011.

13. Approval of Minutes, re: Regular Meeting, May 16, 2011.

14. Approval of Minutes, re: Special Meeting, May 18, 2011.

15. Approval of Minutes, re: Special Meeting, May 23, 2011.

16. Resolutions from Rhode Island Cities and Towns, re: Requesting support for proposed legislation In Opposition to 2011-S413 & H 5943 that mandates expired teacher contracts must continue at the existing terms and conditions. (See Attached List)

17. Petition of Verizon New England, Inc. for permission to place approximately 193' of conduit, in the grassy sidewalk area, from p.20s to Pedestal 1 on private property on Airport Access Road. (Roads & Utilities recommendation included)

18. Notice from the State of Rhode Island, Department of Environmental Management, re: Easton Point Esplanade Area – Easton Bay.

19. Communication of Ronald Gagnon, P.E. Chief, Office of Technical and Customer Assistance, RI Department of Environmental Management, re: Prospect Avenue culvert.

20. Memorandum of Luly E. Massaro, Commission Clerk, RI Public Utilities Commission, re: Procedural Schedule for Docket No. 4243, City of Newport Water Division – Multi-year Rate Plan Application.

21. Communication of Tax Assessor, with enclosures, re: Cancellations of taxes for certain Middletown taxpayers.

22. Resolution of the Council, re: Cancellations of taxes for certain Middletown taxpayers.

23. Memorandum of Town Administrator, re: Adding Language on Snow Removal to Town License Applications.

24. Application of Lee Patrick Richardson dba Richardson's Ice Cream, Portsmouth for RENEWAL of a Peddler's License for the 2011-2012 licensing year.

25. Application of William Anthony Excavating, Inc., North Kingstown for RENEWAL of a Drain Layer's License for the 2011-2012 licensing year.

26. Application of Shaw's Supermarket, Inc. dba Shaw's, 71 East Main Road for RENEWAL of a Mechanical Amusement Device License for the 2011-2012 licensing year.

27. Application of Walgreen Company #3000 dba Walgreens, 12 East Main Road for RENEWAL of a Holiday Sales License for the 2011-2012 licensing year.

28. Application of Michael Joseph Nardolillo dba Provencal Bakery, 750 Aquidneck Avenue for RENEWAL of a Holiday Sales License for the 2011-2012 licensing year.

29. Applications ten (10) from the following named persons, firms or corporations for a Special Event Permit. (See Attached List)

LICENSES & PERMITS

30. Application of R&C, LLC dba Braga's Spaghetti & Grinder Shop, 1379 West Main Road for a Victualling House License for the 2010-2011 licensing year. (NEW)

31. Application of American Promotional Events dba TNT Fireworks,

1315 West Main Road for a Holiday Sales License for the 2011-2012 licensing year. (NEW)

32. Application of B.J. Alan Company dba Phantom Fireworks, 741 West Main Road for a Holiday Sales License for the 2011-2012 licensing year. (NEW)

33. Application of Becky A. Hanos dba Just Dogs, Newport, for a Hawker's License for the 2011-2012 licensing year. (NEW; Farmers Market)

ORDINANCE

34. Memorandum of Town Administrator, re: Amend Third Party Ambulance Billing Rates – Title III, Chapter 36, Fee Schedule, Section (46).

35. An Ordinance of the Town of Middletown (First Reading)

An Ordinance in amendment to the Town Code of the Town of Middletown, Title III, Chapter 36, Fee Schedule, Section (46), Ambulance Billing Rates.

COUNCIL COMMUNICATIONS

36. Memorandum of Councillor Viveiros, re: Proposal to implement a

Pay As You Go (PAYG) policy.

37. Approval of Town Council Summer Meeting Schedule:

a. Monday, July 18, 2011

b. Monday, August 15, 2011

TOWN ADMINISTRATOR COMMUNICATIONS

38. Memorandum of Town Administrator, with enclosures, re: Budget Adjustments as of April 30, 2011.

39. Resolution of the Council, re: Budget Adjustments – General Fund.

40. Resolution of the Council, re: Budget Adjustments – Parks & Recreation Fund.

41. Memorandum of Town Administrator, with enclosures, re: Contract Award: Surveying & Engineering, Forest & Aquidneck Avenue, Road Storm Drain and Sanitary Sewer.

42. Resolution of the Council, re: Contract Award: Surveying & Engineering, Forest & Aquidneck Avenue, Road Storm Drain and Sanitary Sewer.

APPOINTMENTS AND RESIGNATIONS TO BOARDS AND COMMITTEES

43. Email communication from Maryalice Huggins, re: Resignation from Open Space and Fields Committee.

Wendy J.W. Marshall, CMC

Town Clerk

This meeting location is accessible to the handicapped. Individuals requiring interpreter services for the hearing impaired should notify the Town Clerk's Office not less than 48 hours before this meeting.